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EXAMINER	
DAY, HERNG DER	

ART UNIT	PAPER NUMBER
2128	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/781,253	HASEGAWA, TAKUMI	
	Examiner	Art Unit	
	HERNG-DER DAY	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,9-11,17 and 27-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,9-11,17 and 27-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicant's Response ("Response") to Office Action dated October 16, 2007, mailed January 16, 2008.

1-1. Claims 1, 2, 4, 9-11, 17, and 27-37 are pending.

1-2. Claims 1, 2, 4, 9-11, 17, and 27-37 have been examined and rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 9, 10, 11, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Berger et al., U.S. Patent 6,414,693 B1 issued July 2, 2002, and filed October 12, 1999.

3-1. Regarding claim 1, Berger et al. disclose a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47);

correction data receiving means for receiving and storing correction data as said design data corrected by a user through said computer network (the selected GIF file, in its finalized

location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9); and

design assisting means for reflecting said correction data (coordinate location, column 8, lines 6-9) received by said correction data receiving means on product design (to maintain its relative location on the bag when reviewed, column 8, lines 6-9),

Wherein said design data publicizing means includes

public design data prepared in advance to be publicized among said design data (the stored graphics (button 608) to be listed, column 6, lines 48-52),

an editing program file for editing said public design data (the web site is provided as one or more Java 'applets' for operation with a Java-compatible web browser on the client's local computer, column 4, lines 36-42), and

a design data publicizing processing unit (server 116, Fig. 1) responsive to a request from a terminal connected to said computer network (By clicking both buttons 606 and 608, column 6, lines 48-52) for transferring said public design data and said editing program file to said terminal (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein said correction data receiving means includes

a data base for registering said correction data (the database, column 4, lines 1-5), and

a received submission processing unit for receiving an electronic submission associated with a specific user to which said correction data and additional personal information of the specific user is attached and registering and storing said correction data in said data base (the database is organized so that each unique user of the service is defined as an 'entity' 200, column 4, lines 1-5; the customized bag order can be associated with a given client, column 8, lines 2-16;

i.e., the personal information of a given client (e.g., user name or account number) in addition to said correction data (the customized bag order) needs also to be submitted such that the customized bag order can be associated with the given client),

said received submission processing unit classifying said attached correction data based on the additional personal information of the specific user recited in said received electronic submission and registering said correction data in said data base based on the classification results (the customized bag order can be associated with a given client and confirmed by return e-mail, column 8, lines 2-16; i.e., at least when only one category (e.g., user name or account number) is used for classifying).

3-2. Regarding claim 2, Berger et al. further disclose wherein said design data is three-dimensional data (for example, 3D bag, Fig. 7).

3-3. Regarding claim 4, Berger et al. further disclose wherein

said editing program file enables editing of three-dimensional data (for example, 3D bag, Fig. 7).

3-4. Regarding claim 9, Berger et al. disclose a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47);

correction data receiving means for receiving and storing correction data as said design data corrected by a user through said computer network (the selected GIF file, in its finalized

location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9); and

design assisting means for reflecting said correction data (coordinate location, column 8, lines 6-9) received by said correction data receiving means on product design (to maintain its relative location on the bag when reviewed, column 8, lines 6-9),

Wherein said design data publicizing means includes

public design data prepared in advance to be publicized among said design data (the stored graphics (button 608) to be listed, column 6, lines 48-52),

an editing program file for editing said public design data (the web site is provided as one or more Java 'applets' for operation with a Java-compatible web browser on the client's local computer, column 4, lines 36-42), and

a design data publicizing processing unit (server 116, Fig. 1) responsive to a request from a terminal (for example, Client 110 as shown in Fig. 1) connected to said computer network (By clicking both buttons 606 and 608, column 6, lines 48-52) for transferring said public design data and said editing program file to said terminal (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein the terminal includes

an information entry selecting means allowing a user to either, enter design information without downloading public design data (it is well known that a terminal may allow a user to enter any *design information* (but not necessarily related to the recited product or required to be processed) without downloading any recited public design data at the convenience of the user. In other words, a terminal is inherently having the option allowing a user to enter design

information without downloading public design data), or request (By clicking both buttons 606 and 608, column 6, lines 48-52) transfer of said public design data from the design data publicizing processing unit to the user together with an editing program file (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52).

3-5. Regarding claim 10, in addition to those limitations have already been recited in claim 1, Berger et al. further disclose in creation of said design data by said design assisting means, said correction data registered in said data base is used (to maintain its relative location on the bag when reviewed, column 8, lines 2-9).

3-6. Regarding claim 11, Berger et al. disclose a user's request reflecting design method of timely and accurately reflecting users' requests on a product, comprising the steps of:

publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47);

receiving correction data as said design data corrected by a user through said computer network (the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9); and

reflecting said correction data received on product design (to maintain its relative location on the bag when reviewed, column 8, lines 6-9),

wherein said design data publicizing step includes the step of

in response to a request from a terminal connected to said computer network, transferring public design data prepared in advance to be publicized among said design data and an editing program file for editing said public design data to said terminal (By clicking both buttons 606 and 608, the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein said correction data receiving step including the steps of

receiving an electronic submission associated with a specific user to which said correction data and additional personal information of the specific user is attached (the customized bag order can be associated with a given client, column 8, lines 2-16; i.e., the personal information of a given client (e.g., user name or account number) in addition to said correction data (the customized bag order) needs also to be submitted such that the customized bag order can be associated with the given client), and

classifying said attached correction data based on the additional personal information of the specific user recited in said received electronic submission and registering said correction data in a data base based on the classification results (the database is organized so that each unique user of the service is defined as an 'entity' 200, column 4, lines 1-5; the customized bag order can be associated with a given client and confirmed by return e-mail, column 8, lines 2-16; i.e., at least when only one category (e.g., user name or account number) is used for classifying).

3-7. Regarding claim 17, Berger et al. disclose a server of a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47); and

correction data receiving means for receiving correction data as said design data corrected by a user through said computer network and storing said correction data (the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9) so as to be usable by design assisting

means for reflecting said correction data on product design (to maintain its relative location on the bag when reviewed, column 8, lines 2-9),

Wherein said design data publicizing means includes

public design data prepared in advance to be publicized among said design data (the stored graphics (button 608) to be listed, column 6, lines 48-52),

an editing program file for editing said public design data (the web site is provided as one or more Java 'applets' for operation with a Java-compatible web browser on the client's local computer, column 4, lines 36-42), and

a design data publicizing processing unit (server 116, Fig. 1) responsive to a request from a terminal connected to said computer network (By clicking both buttons 606 and 608, column 6, lines 48-52) for transferring said public design data and said editing program file to said terminal (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein said correction data receiving means includes

a data base for registering said correction data (the database, column 4, lines 1-5), and

a received submission processing unit for receiving an electronic submission associated with a specific user to which said correction data and additional personal information of the specific user is attached and registering and storing said correction data in said data base (the database is organized so that each unique user of the service is defined as an 'entity' 200, column 4, lines 1-5; the customized bag order can be associated with a given client, column 8, lines 2-16; i.e., the personal information of a given client (e.g., user name or account number) in addition to said correction data (the customized bag order) needs also to be submitted such that the customized bag order can be associated with the given client),

said received submission processing unit classifying said attached correction data based on said additional personal information of the specific user recited in said received electronic submission and registering said correction data in said data base based on the classification results (the customized bag order can be associated with a given client and confirmed by return e-mail, column 8, lines 2-16; i.e., at least when only one category (e.g., user name or account number) is used for classifying).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 27-31 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al., U.S. Patent 6,414,693 B1 issued July 2, 2002, and filed October 12, 1999, in view of Goldstein, U.S. Patent Application Publication 2001/0032115 A1, published October 18, 2001 and filed December 22, 2000.

5-1. Regarding claims 27, 28, and 35, Berger et al. disclose a user's request reflecting design system in claim 1.

Berger et al. fail to expressly disclose, (claim 27) wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users, (claim 28) wherein said correction data is classified according to at least two

categories, and (claim 35) wherein the additional personal information of the specific user is age, sex and residence of the specific user.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to help shape the world around them (abstract), to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]), and for customers to be made aware of what issues the consumers, and the marketplace, are giving voice to (paragraph [0016]) and to address members' and visitors' questions, comments, and ideas directly and dynamically, and in an interactive and innovative environment (paragraph [0086]). Specifically, Goldstein discloses "My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, telephone number, user interface preferences, personal information disclosure preferences, and the like (paragraph [0064])", "All surveys are structured in a format that allows the data associated with the use and content of the surveys to be mined for later user by the customers (paragraph [0069])", "customers can view more detailed demographic data, which can be gleaned by My-e-surveys 150 pulling demographic information from My-e-preferences 122 for each member who answers a question, and also further analyzing and sorting the results according to My-e-profile 121 (paragraph [0077])", and "Survey response summaries display only statistically significant information, such as, … gender answer breakdowns, geographic region totals, and chronologically organized result summaries (paragraph [0078])". In other words, Goldstein discloses survey results display only statistically significant information, such as, … gender answer breakdowns, geographic region totals by My-e-surveys pulling demographic information from My-e-preferences and further analyzing and sorting the results

according to My-e-profile. Furthermore, even the additional personal information is not attached in the received electronic submission, it is available via My-e-surveys, My-e-preferences, and My-e-profile and is obvious to one of ordinary skill in the art to use it with the received electronic submission for analyzing and sorting the results. Specifically, Goldstein discloses:

(claim 27) wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]; gender answer breakdowns, geographic region totals, paragraph [0078]).

(claim 28) wherein said correction data is classified according to at least two categories (gender answer breakdowns, geographic region totals, paragraph [0078]).

(claim 35) wherein the additional personal information of the specific user is age, sex and residence of the specific user (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein because by interacting with Goldstein's system users would help to refine, change, improve, and influence public issues and policies, and consumer services and products (Goldstein, paragraph [0020]).

5-2. Regarding claims 29, 30, and 36, Berger et al. disclose a user's request reflecting design method in claim 11.

Berger et al. fail to expressly disclose, (claim 29) wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users, (claim 30) searching the correction data based upon classified additional personal information, and (claim 36) wherein the additional personal information of the specific user is age, sex and residence of the specific user.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to help shape the world around them (abstract), to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]), and for customers to be made aware of what issues the consumers, and the marketplace, are giving voice to (paragraph [0016]) and to address members' and visitors' questions, comments, and ideas directly and dynamically, and in an interactive and innovative environment (paragraph [0086]). Specifically, Goldstein discloses "My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, telephone number, user interface preferences, personal information disclosure preferences, and the like (paragraph [0064])", "All surveys are structured in a format that allows the data associated with the use and content of the surveys to be mined for later user by the customers (paragraph [0069])", "customers can view more detailed demographic data, which can be gleaned by My-e-surveys 150 pulling demographic information from My-e-preferences 122 for each member who answers a question, and also further analyzing and sorting the results according to My-e-profile 121 (paragraph [0077])", and "Survey response summaries display only statistically significant information, such as, … gender answer breakdowns, geographic region totals, and chronologically organized result summaries (paragraph [0078])". In other

words, Goldstein discloses survey results display only statistically significant information, such as, … gender answer breakdowns, geographic region totals by My-e-surveys pulling demographic information from My-e-preferences and further analyzing and sorting the results according to My-e-profile. Furthermore, even the additional personal information is not attached in the received electronic submission, it is available via My-e-surveys, My-e-preferences, and My-e-profile and is obvious to one of ordinary skill in the art to use it with the received electronic submission for analyzing and sorting the results. Specifically, Goldstein discloses:

(claim 29) wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]; gender answer breakdowns, geographic region totals, paragraph [0078]).

(claim 30) comprising the step of searching the correction data based upon classified additional personal information (survey response summaries, paragraph [0078]).

(claim 36) wherein the additional personal information of the specific user is age, sex and residence of the specific user (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein because by interacting with Goldstein's system users would help to refine, change, improve, and influence public issues and policies, and consumer services and products (Goldstein, paragraph [0020]).

5-3. Regarding claims 31 and 37, Berger et al. disclose a server of a user's request reflecting design system in claim 17.

Berger et al. fail to expressly disclose, (claim 31) wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users and (claim 37) wherein the additional personal information of the specific user is age, sex and residence of the specific user.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to help shape the world around them (abstract), to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]), and for customers to be made aware of what issues the consumers, and the marketplace, are giving voice to (paragraph [0016]) and to address members' and visitors' questions, comments, and ideas directly and dynamically, and in an interactive and innovative environment (paragraph [0086]). Specifically, Goldstein discloses "My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, telephone number, user interface preferences, personal information disclosure preferences, and the like (paragraph [0064])", "All surveys are structured in a format that allows the data associated with the use and content of the surveys to be mined for later user by the customers (paragraph [0069])", "customers can view more detailed demographic data, which can be gleaned by My-e-surveys 150 pulling demographic information from My-e-preferences 122 for each member who answers a question, and also further analyzing and sorting the results according to My-e-profile 121 (paragraph [0077])", and "Survey response summaries display only statistically significant information, such as, … gender answer breakdowns, geographic

region totals, and chronologically organized result summaries (paragraph [0078])". In other words, Goldstein discloses survey results display only statistically significant information, such as, … gender answer breakdowns, geographic region totals by My-e-surveys pulling demographic information from My-e-preferences and further analyzing and sorting the results according to My-e-profile. Furthermore, even the additional personal information is not attached in the received electronic submission, it is available via My-e-surveys, My-e-preferences, and My-e-profile and is obvious to one of ordinary skill in the art to use it with the received electronic submission for analyzing and sorting the results. Specifically, Goldstein discloses:

(claim 31) wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]; gender answer breakdowns, geographic region totals, paragraph [0078]).

(claim 37) wherein the additional personal information of the specific user is age, sex and residence of the specific user (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein because by interacting with Goldstein's system users would help to refine, change, improve, and influence public issues and policies, and consumer services and products (Goldstein, paragraph [0020]).

6. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al., U.S. Patent 6,414,693 B1 issued July 2, 2002, and filed October 12, 1999.

6-1. Regarding claim 32, Berger et al. disclose a user's request reflecting design system in claim 1.

Berger et al. fail to expressly disclose wherein the electronic submission is electronic mail. Nevertheless, using attachment to an electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail (column 8, lines 2-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the using of electronic mail because using electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail.

6-2. Regarding claim 33, Berger et al. disclose a user's request reflecting design method in claim 11.

Berger et al. fail to expressly disclose wherein the electronic submission is electronic mail. Nevertheless, using attachment to an electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail (column 8, lines 2-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the using of electronic mail because using electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail.

6-3. Regarding claim 34, Berger et al. disclose a server of a user's request reflecting design system in claim 17.

Berger et al. fail to expressly disclose wherein the electronic submission is electronic mail. Nevertheless, using attachment to an electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail (column 8, lines 2-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the using of electronic mail because using electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail.

Applicant's Arguments

7. Applicant argues the following:

7-1. Claim Rejections Under 35 U.S.C. § 103

(1) Independent Claim 1, "As discussed during the Interview of January 10, 2007, the "data-mining operation" of Goldstein occurs after the user has completed the survey and has submitted it. As such, the survey response (the alleged correction data) is already registered with the system. It is only after the survey response is registered that a third party user (for example a manufacturer) can initiate a data-mining operation to search through the survey data. For at least this reason, Goldstein cannot teach registering the user-submitted correction data "based on the classification results." As such, Applicant respectfully asserts that claim 1 is allowable over the cited art of record." (page 4, paragraph 2, Response)

(2) Independent Claim 9, "In the present Office Action, the Examiner asserts that instead of viewing the customized design, one option would be for the user to simply answer survey questions and thereby describe the design the user desires. In light of the above discussion, this is simply incorrect. In fact, including the survey feature of Goldstein into Berger, as suggested by the Examiner, would recreate the same problems Berger was supposedly designed to overcome. That is, the user may not get the exact bag the user desires." (page 5, paragraph 3, Response)

(3) Independent Claim 11, "Applicant's independent claim 11 is a method claim and is distinguished over Berger for reasons analogous to those recited for claim 1." (page 6, paragraph 1, Response)

(4) Independent Claim 17, "Applicant's independent claim 17 is an apparatus claim and is distinguished over Berger for reasons analogous to those recited with respect to claim 1." (page 6, paragraph 2, Response).

(5) Dependent claims are allowable at least by virtue of their dependency from respective independent claims 1, 11, and 17. (pages 4 and 6, Response)

Response to Arguments

8. Applicant's arguments have been fully considered.

8-1. Applicant's argument (1) is not persuasive even it is moot in view of the new ground of rejection.

As argued by the Applicant, it has been discussed during the Interview of January 10, 2008, the "data-mining operation" of Goldstein occurs after the user has completed the survey and has submitted it. As such, the survey response (the alleged correction data) is already registered with the system. It is only after the survey response is registered that a third party user (for example a manufacturer) can initiate a data-mining operation to search through the survey data.

However, claim 1 has not been amended to support Applicant's argument. Specifically, claim 1 recites, "a received submission processing unit for receiving an electronic submission associated with a specific user to which said correction data and additional personal information of the specific user is attached and *registering and storing said correction data in said data base*". Then, claim 1 recites (after *registering and storing said correction data in said data base*), "said received submission processing unit classifying said attached correction data based on the additional personal information of the specific user recited in said received electronic submission and registering said correction data in said data base based on the classification results". In other words, claim 1 does have the correction data registered with the system first and classify the registered and stored attached correction data later, which would have been

anticipated by the teaching of Goldstein because the operation of data mining is in general also sequentially processing each individual record for classifying and registering.

Moreover, claim 1 recites no categories for classifying. Therefore, when only one category (e.g., user name) is used for classifying, the teaching of Berger et al. in column 8, lines 2-16, that "the (customized bag) order can be associated with a given client" (i.e., the personal information of a given client (e.g., user name) in addition to said correction data (the customized bag order) needs also to be submitted such that the customized bag order can be associated with the given client) does anticipate the argued limitations.

8-2. Applicant's argument (2) is moot in view of the new ground of rejection.

8-3. Applicant's arguments (3)-(5) are not persuasive because the argument regarding claim 1 is moot and not persuasive as detailed in item **8-1** above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Boe et al., U.S. Patent 6,236,975 B1 issued May 22, 2001, and filed September 29, 1998, is cited as disclosing a method for profiling customers for targeted marketing including updating data with every response.

Reference to Povich, U.S. Patent Application Publication No. 2002/0107672 A1 published August 8, 2002, and filed February 5, 2001, is cited as disclosing a method for designing a product by transferring customizable attributes via computer network.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamini S Shah/

Supervisory Patent Examiner, Art Unit 2128

/Herng-der Day/
Examiner, Art Unit 2128

May 20, 2008